

**MINUTES OF LAYTON CITY  
COUNCIL WORK MEETING**

**APRIL 2, 2015; 5:32 P.M.**

**MAYOR AND COUNCILMEMBERS  
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN,  
TOM DAY, SCOTT FREITAG AND JOY PETRO**

**ABSENT:**

**JORY FRANCIS**

**STAFF PRESENT:**

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,  
PETER MATSON, DAVID PRICE, TERRY  
COBURN, JAMES (WOODY) WOODRUFF, KEM  
WEAVER, MICHELLE HOWARD AND THIEDA  
WELLMAN**

**The meeting was held in the Council Conference Room of the Layton City Center.**

Mayor Stevenson opened the meeting and turned the time over to Staff.

**AGENDA:**

**INTRODUCTION OF MARK VLASIC, OF LANDMARK DESIGN, AND DISCUSSION OF  
PARKS, RECREATION TRAILS, AND CULTURAL FACILITIES MASTER PLAN**

David Price, Parks and Recreation Director, introduced Mark Vlasic with Landmark Design. He indicated that Susie Becker with Zions Bank had recommended Landmark Design to the City for the Master Plan.

Mr. Vlasic, Owner of Landmark Design, gave a brief history of Landmark Design. He said they were getting a sense of what the City's desires were for this project. Mr. Vlasic gave the Council a copy of their schedule and indicated that work had kicked off last week. He provided information about the mapping project. Mr. Vlasic indicated that the key to the process was public involvement. He said there would be a meeting in April to allow for public input.

Mr. Vlasic expressed appreciation for the survey the City conducted last year, which provided them with a lot of useful information. He said they would be formulating a steering committee and would be meeting regularly with Staff. Mr. Vlasic said they would be establishing the City's current level of service, and they would project the needs into the future, along with looking at possible cultural facilities.

**Councilmember Freitag arrived at 5:37 p.m.**

Mr. Vlasic said the Master Plan study would be a 5 month process and would wrap up by the end of July. He said they were looking forward to working with the City. Mr. Vlasic indicated that they would provide the Council with another briefing next month. He said the public open house would be held April 21st at 6:00 p.m. at the Central Davis Junior High gymnasium.

**DEVELOPMENT AGREEMENT AND REZONE REQUEST – WIDNER-BASTIAN – R-1-6 TO  
R-2 – 950 NORTH RAINBOW DRIVE – RESOLUTION 15-18 AND ORDINANCE 15-05**

Peter Matson, City Planner, said this development agreement and rezone request were for two parcels of property located on Rainbow Drive near a five-plex constructed 10 to 12 years ago. He said the proposal was for R-2 zoning to allow for development of 2 twin homes on the property. Peter said the Planning Commission and Staff felt that this would be a good transition from the five-plex to the single family homes adjacent to the property.

Peter said the development agreement addressed the type of structures, height, fencing, landscaping, and building materials. He said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Brown asked if these would be for sell or if they would be rental units.

Peter said he understood that they would be rental units.

Mayor Stevenson asked if there was any input from surrounding neighbors.

Peter said there were no comments at the Planning Commission meeting. He said Mr. Bastian indicated that he had spoken to some of the residents; their biggest concern was that they didn't want another four or five-plex to end up next to their homes. They felt that this was a reasonable use.

Councilmember Brown asked if this was directly south of the apartments.

Peter said yes.

Councilmember Petro asked if there would be much green space.

Peter said they met the 40% green space requirement. He said there would be separate driveways onto the street, similar to a home.

**ANNEXATION AGREEMENT, ANNEXATION AND REZONE REQUEST – MORGAN-BONE-ALLRED – A TO R-S – 200 SOUTH 3200 WEST – RESOLUTION 15-15, ORDINANCES 15-11 AND 15-09**

Peter Matson said this annexation agreement and annexation was for approximately 33 acres south of Gentile Street and west of 3200 West. He said the property would connect into Island View Park Subdivision and there would be a street connection into that subdivision. Peter said Destination Homes was the applicant. He said this item was tied with the next item, which would provide access onto 3200 West.

Peter said the R-S zoning was consistent with the General Plan for this area. He said the annexation agreement primarily addressed utility issues; the need to loop a system from the southwest corner up to the northeast portion of the property to ultimately connect to a water line in Gentile Street either through 3200 West or more of a direct connection to Gentile Street. Peter said the sanitary sewer, storm drain and land drain systems would flow through the property and connect to the southwest corner.

Peter indicated that changes had been made to the annexation agreement since the Council Packet was put together. He gave the Mayor and Council copies of the proposed changes to page 3 of the agreement, section 4.7.2. Peter said changes were made to allow for some discretion of the locations and timing of connection onto 3200 West.

Mayor Stevenson asked if it would make sense to expand the sidewalk from the Island View area to 3200 West now with this development.

Cameron Scott with Destination Homes explained their plan for phasing the project.

Peter said regardless if there was a connection on Gentile Street or 3200 West, the development agreement required the developer to make the necessary widening and street improvements so that when the project connected to either one of those streets that the sidewalk would be finished up to where it was presently constructed.

Councilmember Day asked if they would be required to extend the sidewalk in front of existing homes.

Peter said on 3200 West there were a couple of homes north of where the connection would be located. He said they would be required to complete the improvements on the west side of the street into their project.

Councilmember Petro asked if it would be an either/or depending on where they connected; on 3200 West or Gentile Street.

Peter said yes; if the connection was at Gentile Street they would only be required to put in the sidewalk because the City had installed curb and gutter with the improvements made to Gentile Street.

Councilmember Day said in the future, if it went further down 3200 West, would they do the same thing in front of the existing homes on the west side.

Peter said it wasn't contemplated in the agreement that they would do that.

Councilmember Petro asked if the homes on the west side of 3200 West that were located between the two possible connections on 3200 West would be required to install sidewalk.

Peter said it would remain unimproved unless the City wanted to pay for the improvements. He said there may be some lien waivers in place for these properties, but he didn't know if that was the case.

Councilmember Petro asked what that would mean.

Alex Jensen, City Manager, said a lien waiver allowed for a homeowner that built in a rural area where there wasn't an abutting sidewalk, to postpone installing a sidewalk until such time that there was sidewalk in the area. The homeowner would be responsible for the cost now just as they would have been when their home was built. Alex said Staff would have to verify if that homeowner signed a lien waiver; if not the City would have to negotiate some kind of arrangement with the homeowner. Alex said very often the City would construct the improvements in exchange for the right of way. He said this would be an important connection.

**REZONE REQUEST – BONE-DESTINATION HOMES – A TO R-S – APPROXIMATELY 100 AND 202 SOUTH 3200 WEST – ORDINANCE 15-08**

This item was discussed with the previous item.

**EASTRIDGE PARK PRUD (ADAMS PROPERTY-HAWKINS HOMES) – APPROXIMATELY 1450 EAST ANTELOPE DRIVE**

Bill Wright, Community and Economic Development Director, said Staff felt that it would be beneficial for the Council to have a briefing on the preliminary plat for the Eastridge Park PRUD located at approximately 1450 East Antelope Drive. He said this was scheduled to be on the April 16th agenda for a preliminary plat approval. Bill said this was reviewed by the Planning Commission on March 10th where they spent about 3 hours reviewing the subdivision with the public.

Bill said the land use and zoning for this 70 acre parcel were approved in June 2009, along with a development agreement. He said to get to that point there had been about 2 years of discussion and geotechnical study for the property to determine the feasibility of developing the property under any type of land use, with significant reviews by private consultants for the landowner, the State Geological Society and a third party geotechnical company. Bill said that concluded many years of extensive review and engineering in June 2009 with the City Council voting affirmatively to approve the development agreement, rezone the property to R-1-10 PRUD, and to affectively establish what the land uses would be on the property.

Bill said this was an opportunity to provide some information to the Council. He said the owner/developer was out of town, but Staff felt that it would be good to provide the background of the proposed development to the Council. Bill said the audio recording of the Planning Commission was in the Council Dropbox for their review.

Bill said the Council received input at the last Council meeting from Daniela Harding about concerns she and other neighbors had relative to the cuts and fills that were part of the mass grading of the property, and the concern that the Planning Commission did not specifically review that item. He said Ms. Harding referenced City Code that indicated when there was a cut or fill over 10 feet, the Planning Commission was to review and approve those. Bill said it was under the development standards section of the sensitive lands portion of the Code, and depending on how you read it, it really referred mostly in terms of when construction was about to happen on properties, whether it be construction of roads or construction of retaining walls on a lot. He said typically that didn't happen at the preliminary plat stage because in most preliminary plats the final grading hadn't really been determined; that usually occurred at the final plat stage. Bill said as the Zoning Administrator for the City he reviewed the Planning Commission tape after receiving the comment, and the Planning Commission did include it in their final motion indicating that that item had to come back with the final plat; they didn't ignore it but established that they thought that it was a final plat item and would be determined at that point and time.

Councilmember Brown said the mass grading would not be something that would fall under this section of the Code.

Bill said generally it would not. He said in March 2013 the developer received a grading permit from City Engineering for mass grading. Bill said at that time the developer was on a path to mass grade the entire 70 acres. He said the mass grading was mandated as part of the mitigation of the slope stability issues on the property. Bill said it was determined that the property could be mass graded prior to a development plan being approved.

Bill said at that time, the developer made some changes to the plan and analyzed the amount of townhomes that were on the conceptual plan and the grading that was to occur with those townhomes. He said the plan shifted to fewer townhomes, an addition of some single family detached cottage type homes, single family homes and a 16 acre park. Bill said at that point the developer analyzed the option to phase the grading of the entire 70 acres. He said the City Engineering Department spent the better part of a year analyzing the option of phasing the grading, because most of the geotechnical work done to that point had been based on mass grading the entire 70 acres. Bill said City Engineering, private engineering consultants, and the third party geotechnical engineering firm, Golder and Associates, went back and forth reviewing the change in the grading options to make sure it was feasible and would address the slope stability and geotechnical issues, and that it could be done in a manner that wherever there was a seam between the area graded and the area not graded that it was appropriately connected. He said the geotechnical engineers all agreed that phasing the grading was not only feasible but was appropriate and could be done in a safe manner, and the developer proceeded in that manner.

Bill said there were some benefits to the community with phasing the grading; there would be less equipment on the site and less area disrupted all at the same time that would have to be re-vegetated all at the same time.

Councilmember Brown said as a development was constructed, the inspectors went in at different times and inspected the development. She asked if the grading would be inspected throughout the process.

Bill said yes; there was also a requirement that the geotechnical engineers be on site while the grading was occurring and the City's inspectors would also be involved in that. He said there was compaction testing that would have to occur. Bill said this piece of property probably had more examination than any other property in the City.

Bill said as the Zoning Administrator, he went back and reviewed the Code, the comments that had been submitted, and the mass grading plan. He said he determined that since the information was available now, this should be placed on the Planning Commission agenda on April 14th for the Planning Commission to review the engineering that had been done on the cuts and fills for the mass grading, for anything over 10 feet. Bill said this would get the information out to everyone now instead of waiting until final approval.

Councilmember Brown asked if the plan was to start at Antelope Drive and phase to the south.

Bill displayed a map of the phasing plan for the project.

Councilmember Brown said at the point that they started developing the cottage homes, she felt that it would be good to have another connection besides the Antelope Drive connection.

Councilmember Petro said knowing that the initial idea was to mass grade the entire property, from Bill's point of view, which process would make the most sense.

Bill said with a property this big, mass grading the entire 70 acres would be more efficient for the developer. He said the down side was that it exposed a large amount of ground that would have to re-vegetate.

Councilmember Petro asked if it would be better to re-vegetate it all now and let it set for a longer time period to allow for compaction.

Bill said either method would have to meet the compaction requirements.

Mayor Stevenson said when this site was graded out, it wouldn't be nearly as steep.

Council and Staff discussed the pros and cons of mass grading and phasing the grading.

Bill displayed a phasing map and explained how the project would be phased. He identified connections into the development.

Councilmember Day said he had seen the grading plan and it made no sense to the common person. He asked if there would be someone at the Planning Commission meeting to explain it.

James (Woody) Woodruff, City Engineer, said Engineering Staff would be there to explain it.

Kem Weaver, Planner, displayed a conceptual drawing of the preliminary plat. He said since the rezoning in 2009, there had been a significant decrease in the number of townhomes. Kem said the original proposal didn't have any cottage homes; the townhomes had reduced from 157 units to 52 units. He said the cottage homes had been very popular in the market. Kem said there were 76 cottage home units being proposed in the development, and 140 single family detached homes. He said the total number of units was down from 303 units to 268 units, and the density was reduced from 4.33 units per acre to 3.82 units per acre, which met the General Plan guidelines for this area of the City.

Kem said the townhome portion of the project would be Phase 2; Phase 1 would be the cottage homes close to Antelope Drive, and Phase 3 would be the single family homes. He displayed conceptual renderings of the development including street-scapes.

Kem displayed conceptual drawings of the townhomes and indicated that there would be 4 units per building. He said there would be two access points onto Antelope Drive; Emerald Drive would be the through street from Antelope Drive going through the development and connecting to the east. Kem said there would be a meandering walk through the townhomes and cottage homes.

Kem displayed conceptual drawings of the cottage homes. He indicated that the townhomes would have 2 car garages. Kem displayed square footages of the cottage homes and townhomes. He said the conceptual design proposals for the cottage homes were urban craftsman style or modern farmhouse style.

Bill said Hawkins Homes was under contract with Destination Homes to build the townhomes. He said they would be providing more detailed renditions of the townhomes for the next meeting.

Kem displayed the cut and fill map of the area and identified the areas with the deepest cuts. He said the deepest cuts were 40 feet.

Bill said Staff would highlight and enlarge the areas of the map that had cuts greater than 10 feet for the Planning Commission meeting. He said many areas were only 1 or 2 feet of fill.

Mayor Stevenson asked Ms. Daniela Harding if there was anything Staff could do to make this clearer for the public.

Ms. Harding said at the end of the Planning Commission meeting, the only thing the citizens heard was that they were going to redo the traffic study, but they didn't say anything about the cuts and fills.

Bill said when he listened to the recording he heard them say that it needed to come back at final plat. He said it would be addressed at the April 14th meeting.

Gary Crane, City Attorney, explained that the experts gave the Planning Commission their opinions as to what needed to happen, because the Planning Commissioners were not engineers and they were not geotechnical experts; they didn't have that knowledge and neither did the Council. He said they relied a lot on experts; that was part of the process. Gary said they would consider the information from all the experts; the developer's experts and the experts hired by the City. He read from the Code, "It is intended in this section that the development standards and provisions set forth herein shall be required in connection with all building and construction in sensitive lands." Gary said this development wasn't that far along in the process.

Gary said the discussion was that it would be taken back to the Planning Commission for their review, in conjunction with the opinions of the experts, and since the City had the information now, the Planning Commission would go ahead and solve the problems that were raised at the last meeting by having the Planning Commission make their decision now, and then send it on to the Council.

Ms. Harding said they had already granted approval and they hadn't done their due diligence.

Mayor Stevenson said everything was still in the preliminary stage. He said this would go back to the Planning Commission on April 14th before the preliminary came to the Council. Mayor Stevenson said even on a flat piece of ground, you couldn't build anything until you took care of all that was required. He said the City understood where the citizens were coming from, but according to what Gary read in the Code, this could be allowed right up until the time that a building permit was issued. Mayor Stevenson said the City knew of the citizens' concerns and would have them addressed by the Planning Commission before it came to the Council.

Woody said it was typically reviewed at final because the information wasn't usually available until that time.

Mr. Dave Paulson said the City should change their ordinance.

Mayor Stevenson said whether the ordinance needed to be changed, or whether there were different interpretations of it, the information was available and the City would resolve the issue now before it went any further in the process.

Mr. Paulson said there had been a lot of discussion about mass grading, but the citizens had come to the conclusion that the entire parcel should be mass graded all at once. He said they didn't want to have the trucks rolling out there multiple times; they wanted to have it done all at once; they wanted the safety issues addressed all at once; they wanted the road done all at once; they didn't want more townhomes and homes exposed to the dangers of additional grading; they did not like the idea of phased grading.

Mr. Ja Eggett said when the grading information was made available for review, it would be helpful to see where the buildable areas were for the single family lots.

Councilmember Day said at the Planning Commission meeting the developer promised two additional things: 1) an additional traffic study; and 2) to tie the trail in.

Bill said the developer had engaged his traffic consultant to update the traffic report. He said that was in the process and the information should be available at the next meeting. Bill said the trail would ultimately follow the sewer right of way and went off the property in one area. He said there was no opportunity to have the trail cross onto the neighboring property. Bill said they were currently studying the possibility of the trail eventually connecting to the 16 acre park.

Mayor Stevenson asked who owned the abutting property.

Bill said it was owned by Beech Adams.

Council and Staff discussed the trail.

Ms. Harding said the citizens had struggled with this and the City had not been helpful in answering their concerns in a satisfactory manner. She said Section 19.08.130(5)(c) of the Layton Municipal Code stated, "That the proposed development creates no detriment to the adjacent properties nor to the general area in which it is located and that it will be in substantial harmony with the character of existing development in the area." Ms. Harding said this development was not in harmony with the surrounding area.

Bill said the surrounding areas were zoned R-1-10. He said the Council decided that the R-1-10 PRUD zone was appropriate for this property in 2009. Bill said the community to the north, Hidden Hollow, and multiple subdivisions in the surrounding area were zoned R-1-10 PRUD. He said those subdivisions went through a similar process back in the late 1970s. Bill said there was property in the area that was zoned for townhomes but it hadn't been built on yet. He said there was R-1-8 zoning to the south; the only R-1-10 zoning was along Beechwood.

Bill said the Planning Commission and Council spent a lot of time in 2008 and 2009 looking at what an appropriate zone would be, and whether it was compatible or not. He said the development agreement put in place the townhomes along Antelope Drive, which was an appropriate land use for buffering of that major arterial. Bill said most of that Code was addressed in 2009; people may not agree with it, but the compatibility issue was addressed in 2009.

Ms. Harding said she truly believed that such a high density on 54 acres; 4.8 units per acre, was a lot for surrounding subdivisions to handle.

Mayor Stevenson asked if Staff hadn't indicated that the density was down to 3.8 units per acre.

Mr. Paulson said that was including the park. He said if the park property was removed, it was 4.8 units per acre. He said from day one they had stated that this was not congruent with the surrounding area. Mr. Paulson said there were homes over \$500,000 with 14,000 square foot lots that would be right up against townhomes that were 1,500 square feet with 15 foot back yards. He asked where the consistency was.

Ms. Harding said the density was too high.

Mayor Stevenson said he didn't agree with the comment that the density was too high. He said if the park area was there, and there were 10,000 square foot lots on the entire parcel, the density wouldn't change if the entire area was covered with houses in an R-1-10 zone.

Mayor Stevenson said from when this area first started developing in the 1970s, you could see a marked difference with how the homes had changed over time. He said what made homes good was the people that lived in them. Mayor Stevenson said the size of the lot didn't make a good neighborhood; it was the people in the homes. He said every study indicated that people wanted smaller homes on smaller lots. Mayor Stevenson said he just moved into a smaller home on a smaller lot because he didn't want a big house and big lot any more. He asked what the City was supposed to do to meet the needs of what the people in the community wanted. Mayor Stevenson said these residents loved their neighborhoods, but he would be willing to bet that some of the people in their neighborhood would sell and want to move into some of these cottage homes; people's attitudes changed.

Mayor Stevenson said part of what the PRUD overlay accomplished was to allow for there to be very nice developments, and for people to be able to move into places that met their needs more than where they had been in the past. He said things would continue to change. Mayor Stevenson said 15 years ago there probably weren't any townhomes in the City, but now there were several and most of them were not rentals. He said Destination Homes built a very nice unit. Mayor Stevenson said he felt that this would be a good addition to the area. He said he did question that the road should be connected from Antelope Drive through the development to the east. Mayor Stevenson said he wanted to review the cuts and fills a little more.

Mayor Stevenson said the City wanted to have every question addressed and answered. He said that didn't mean that everyone would agree. Mayor Stevenson said the property was already rezoned; the City wanted to make sure the developer put in a very nice development.

Ms. Harding said they were not opposed to development.

Mr. Paulson said for six years they had been asking Staff to address the dead ends and allow for better traffic flow; connecting further to the south on Antelope Drive and not have all the traffic exit the development via Emerald Drive onto Antelope.

Woody said with the grades in the area it would not be that simple.

Mayor Stevenson said the developer was doing an additional traffic study, which should answer some of these questions. He asked the residents what they felt could be done to help with traffic flow.

Mr. Paulson said from the beginning the City should have required another connection through the abutting Beech Adams property to Church Street.

#### **MISCELLANEOUS:**

Councilmember Brown asked Woody if he wanted to mention the open house for the Master Transportation Plan.

Woody said on Wednesday, April 15th from 6:00 p.m. to 8:00 p.m. there would be an open house on the Master Transportation Plan. He said it would be held in the Council Chambers.

**The meeting adjourned at 6:59 p.m.**

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Thieda Wellman, City Recorder